

RESPONSE

Election of Claims:

The Office has required election of one of the following groups of claims:

- Group I: Claims 1-8, drawn to a method for eliciting an immune response by administering a plasmid comprising a genomic fragment of 5 to 25 kilobases in size, classified in class 435, subclass 91.5;
- Group II: Claims 1 and 9-14, drawn to a method for eliciting an immune response by administering a cosmid comprising a genomic fragment of 25 to 50 kilobases in size, classified in class 435, subclass 320.1;
- Group III: Claims 15-25, drawn to a method for eliciting an immune response by administering a plasmid comprising a genomic fragment of 5 to 50 kilobases in size, coated with gold as a core carrier, classified in class 436, subclass 525;
- Group IV: Claims 15 and 26-34, drawn to a method for eliciting an immune response by administering a plasmid comprising a genomic fragment of 25 to 50 kilobases in size, coated with gold as a core carrier, classified in class 436, subclass 532;

- Group V: Claims 35-38, drawn to a method for identifying a sequence, classified in class 436, subclass 504;
- Group VI: Claims 38-48, drawn to a vaccine composition comprising a plasmid that contains a genomic fragment of 5 to 25 kilobases in size, classified in class 424, subclass 229.1; and
- Group VII: Claims 38-45 and 49-51, drawn to a vaccine composition comprising a cosmid that contains a genomic fragment of 25 to 50 kilobases in size, classified in class 424, subclass 231.1.

Applicants hereby elect to prosecute the claims of Group III, that is claims 15-25. Applicants expressly reserve their right under 35 U.S.C. §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

Election of the Group III claims is made herein with traverse for the following reasons. In the Office's description of Group I, the Office has asserted that claims 1-8 are limited to plasmid constructs containing a genomic fragment of from 5-25 kilobases in size. However, applicants note that claim 1 recites constructs of 5 kilobases or larger. Applicants submit that the scope of the Group I claims is thus improper, and clarification is respectfully requested. With regard to Group II, applicants believe that the Office has sought to group all of the cosmid construct claims together. However, claims 2 and 8 are not included in the Group II claims although these claims clearly encompass cosmid constructs. Applicants thus request that the Group II claims be reconsidered and that claims 2 and 8 be added to Group II.

With regard to Group III, the elected group, applicants note that the Office has characterized all of the claims to be limited to plasmids "*coated with gold as a core carrier*." This is incorrect. For example, claim 15 clearly encompasses genetic constructs **coated onto any core carrier** (not genetic constructs coated **with** gold, or even just gold carrier particles). In addition, the Office has asserted that all claims are limited to plasmid constructs containing a genomic fragment of from 5-25 kilobases in size. However, applicants note that claim 15 recites constructs of 5 kilobases or larger. Applicants thus submit that the scope of the Group III claims is improper. Reconsideration and clarification of the Group III claim scope is thus respectfully requested.

With regard to Group IV, applicants assume that the Office had intended to group all cosmid construct claims together. However, in the description of the Group IV claims, the Office has referred to plasmid constructs only. Applicants believe that the proper grouping for Group IV would be claims 15, 16 and 22-34, and further that the constructs should be cosmids, not plasmids. Reconsideration is thus respectfully requested.

With regard to Group V, only claims 35-37 are drawn to methods for identifying a sequence (claim 38 is drawn to a vaccine composition). Reconsideration and regrouping of the Group V claims is thus respectfully requested. With regard to Group VI, the Office has asserted that the claims are limited to plasmid constructs containing a genomic fragment of from 5-25 kilobases in size. However, applicants note that claim 35 recites constructs of 5 kilobases or larger. Applicants submit that the scope of the Group VI claims is improper, clarification is respectfully requested.

Finally, with regard to Group VII, applicants believe that the Office has sought to group all of the cosmid construct claims together. However, claim 46 has not been included in the Group VI claims although this claim clearly encompasses cosmid

constructs. Applicants thus request that the Group VI claims be reconsidered and that claim 46 is added to Group II.

Accordingly, for all of the foregoing reasons, reconsideration and modification of the restriction requirement is respectfully requested.

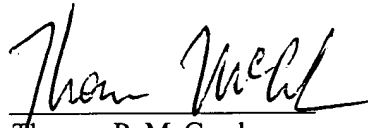
CONCLUSION

Applicants respectfully submit that the claims as now pending define an invention which complies with the requirements of 35 U.S.C. § 112 and which is novel and nonobvious over the art. Accordingly, allowance is believed to be in order and an early notification to that effect is earnestly solicited.

If the Office notes any further matters which it believes could be expedited by a telephone call, the Office is requested to contact the undersigned at (510) 742-9700, ext. 209.

Respectfully submitted,

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